

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE :
COMMISSION,**

Plaintiff, : Hon. Vernon S. Broderick
V. : Civil Action No. 1:21-CV-07700(VSB)(SN)

SIMON PIERS THURLOW, et al. :

**Defendants. : RESPONSE TO PLAINTIFF'S MOTION TO
STRIKE AFFIRMATIVE DEFENSES**

Upon review and consideration of Plaintiff's Motion and Memorandum in Support thereof, Defendants Simon Thurlow and Richard Oravec believe it to be in their best interest, and for judicial efficiency, to not oppose the Motion and to reconsider asserting the Affirmative Defenses, if appropriate, after discovery reveals the extent to which the Complaint was filed with sufficient gross negligence and/or malice to rise to a level constituting violation of Defendants' constitutional rights necessary to support defenses of fraud and estoppel.

November 18, 2024

RESPECTFULLY SUBMITTED,

JOSEPH A. SICILIANO, JR.

BY: /s/ Joseph A. Siciliano, Jr.

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